

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Termination

Pursuant to the authority of Iowa Code sections 455B.105(3) and 455B.187, the Environmental Protection Commission hereby terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on March 9, 2011, as **ARC 9425B**. The Notice proposed to amend Chapter 38, “Private Water Well Construction Permits,” and Chapter 39, “Requirements for Properly Plugging Abandoned Wells”; to adopt new Chapter 48, “Ground Heat Exchanger (GHEX) Loop Borehole Systems”; and to amend Chapter 49, “Nonpublic Water Supply Wells,” and Chapter 82, “Well Contractor Certification,” Iowa Administrative Code.

The purpose of the rule making was to rescind current GHEX language from Chapter 49 and to adopt GHEX loop borehole rules as new Chapter 48. Chapter 48 would standardize the minimum construction requirements for this type of well structure and create additional protections to Iowa’s groundwater and drinking water. The proposed Chapter 48 rules were written to closely correspond to nationwide standards that are currently proposed by contractor trade groups and would be more relevant to the actual geological conditions that exist in Iowa. Amendments to additional private well-related rules were proposed to fully implement the proposed Chapter 48.

The public hearing process brought forth a number of concerns about specific rules within proposed Chapter 48. These concerns warrant holding additional stakeholder meetings with multiple groups and working toward consent on amended language.

Because of the time needed to adequately work with stakeholder groups and modify the proposed rules, the Department was not be able to comply with the 180-day time limit for completion of rule making, which expired on October 9, 2011.

The Commission will commence rule making when work with the stakeholder groups has resolved key issues. Therefore, rule making for **ARC 9425B** is hereby terminated.